

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-19-1997
PAGE: A-266

RIGHT NUMBER: 37-12829

NAME & ADDRESS: ALAN DURKHEIMER
ELAINE DURKHEIMER
PO BOX 2321
KETCHUM ID 83340 ✓

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

PRIORITY DATE: 09/01/1977

POINT OF DIVERSION: T04N R17E S13 ~~NWSE~~ ✓ Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC (DOMESTIC 2 HOUSEHOLDS (DU) ✓)	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S13 NWSE ✓

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

(POINT OF DIVERSION IS ON SECTION LINE.
LEGAL DESCRIPTION ATTACHED.)

comments

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

(RP K04320000020)

AKA: Lot 2 Chateau Latour 68 Sub
360 Sabala

Exp

Verified by *[Signature]* Date: 12-30-98

Verification Source: *91x98 Parcel Map + map*

Data Entry *EF*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12829
Date Received: 10/26/1988
Receipt No: C005399
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ALAN DURKHEIMER
Address: P.O. BOX 2321
KETCHUM, ID 83340
AND/OR
Name: ELAINE DURKHEIMER
Address: P.O. BOX 2321
KETCHUM, ID 83340

208-726-9426

208-726-9426

2. Date of Priority: SEP 1, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	17E	13	SE	NW	SE		BLAINE

5. Description of diverting works:
10" X 12' WELL & 1 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOUSEHOLDS (DUPLEX) SINGLE OWNERSHIP

A37-12829

Page 1

Date: 02/27/91

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	13	NW SE		DOMEST	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
POINT OF DIVERSION IS ON SECTION LINE.
LEGAL DESCRIPTION ATTACHED.

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

39576

Ident. Number

A37-12829

Date Received

10-26-88

Receipt Number

C005399

2/03/89

RECEIVED

FEB 02 1989

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Department of Water Resources

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Alan and/or Elaine Durkheimer Phone (208) 726-9426
Mailing Address P.O. Box 2321 Ketchum, Idaho Zip 83340

2. Date of Priority (Only one (1) per claim) September 1, 1977

3. Source of water supply (a) Groundwater
which is tributary to (b) -----

4. a. Location of existing point of diversion is: Township 4N Range 17E Section 13,
SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, ----- B.M., County of Blaine

Additional points of diversion if any: (NOTE: Point of Diversion well site straddles Section
line - see property description attached)

b. If instream flow, beginning point of claimed instream flow is:

Township ----- Range ----- Section -----, ----- 1/4 of ----- 1/4 of ----- 1/4,

Govt. Lot ----- B.M., County of -----

ending point is: Township ----- Range ----- Section -----, ----- 1/4 of ----- 1/4 of

----- 1/4, Govt. Lot ----- B.M., County of -----

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Pump and Well; 1 1/2 HP X 10" X 12"

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

.03

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount .06 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 .03 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is DE MINIMIS acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - Two households (Duplex); Single ownership

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	17E	13														D			

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: N/A

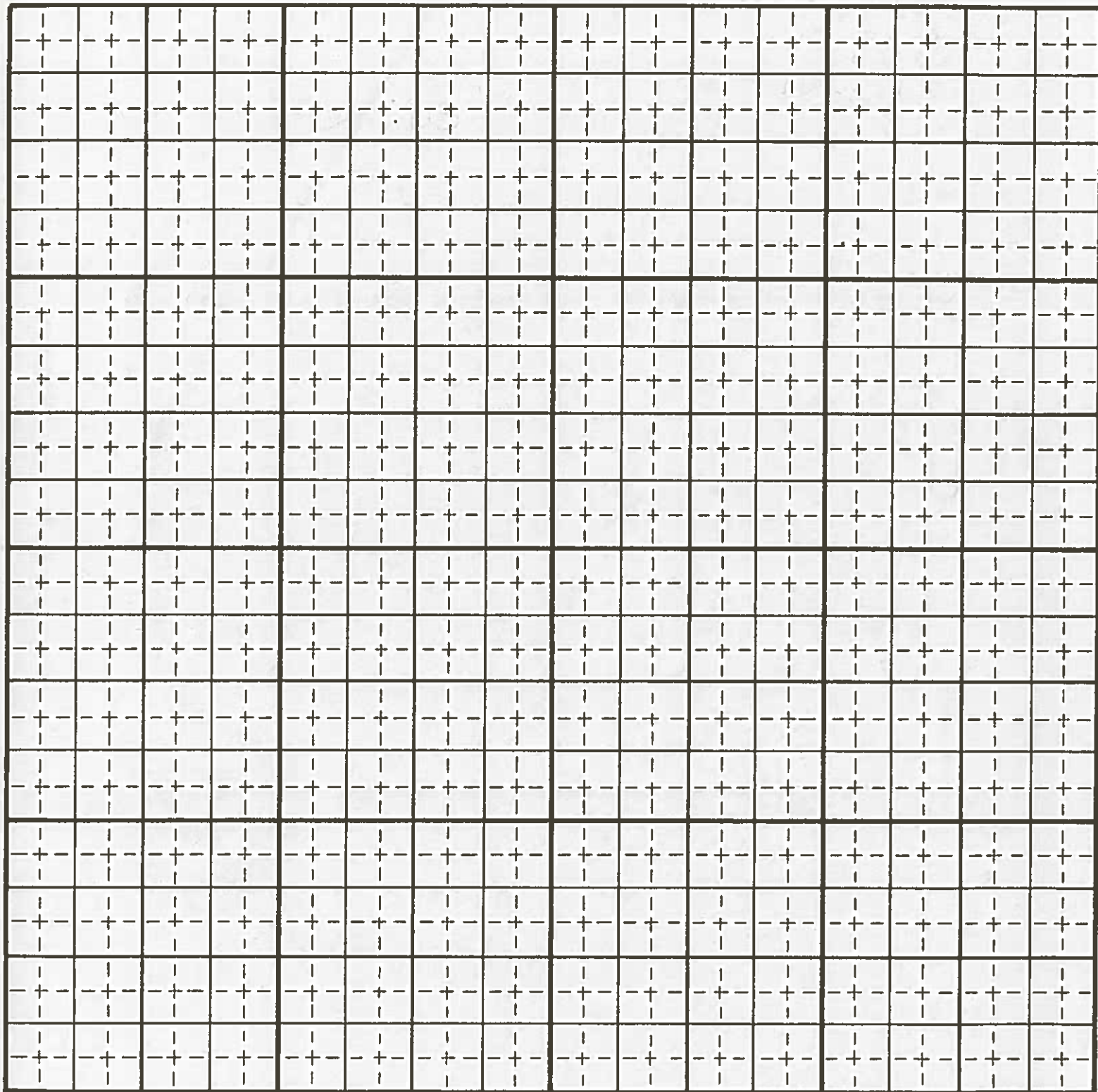
MICROFILMED

Last Name DUEKHEIMER Ident No. _____

MAK Q 1 1993
Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name

Duckheimer

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number N/A
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Date 10/25/88

Date Oct. 25, 1988

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25th day of October 19 88

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name DUPKEIMER Ident. Number _____

Copies White-State, Yellow-Claimant

EXHIBIT I

UNIT A

The following described tract of land situated in Lot 3, Section 13, Township 4 North, Range 17 East, Blaine County, Idaho:

Beginning at the NE Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13; thence
N. 89 degrees 12' W., along the south line of said Lot 3 a distance of 719.8 feet; thence
N. 0 degrees 14' W., a distance 140.5 feet to the True Point of Beginning; thence
S. 89 degrees 18' E., a distance of 150.4 feet; thence
N. 0 degrees 14' W., a distance of 115 feet; thence
N. 89 degrees 18' W., a distance of 150.4 feet; thence
S. 0 degrees 14' E., a distance of 115 feet to the True Point of Beginning.

Now known as Lots 1 and 2, CHATEAU LATOUR 68 SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded October 14, 1980, as Instrument No. 207843, records of Blaine County, Idaho.

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Durkheim

318 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-5657
FACSIMILE
(208) 726-9743

January 31, 1989

Donald V. Shaff
Adjudication Section Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
FEB 02 1989

Department of Water Resources

Re: Snake River Basin Adjudication
Durkheimer Notices of Claim

Dear Mr. Shaff:

As per our telephone conversation of January 30, 1989, enclosed please find a corrected Notice of Claim and a separate original Notice of Claim as regards two separate single family domestic claims being made by Alan and/or Elaine Durkheimer. The Durkheimers own both units of a duplex, but each unit is a separate single family domestic use, and the intent as of the date of priority claim was to have a single well serving both units, but with a separate water right claim for each unit. Please note that the corrected Notice of Claim provides a property description for Unit A of the duplex, and that the original separate Notice of Claim provides a property description for Unit B of the duplex. Also, please note that I have attached a copy of your letter to the Durkheimers, dated January 19, 1989, for reference purposes.

I am resubmitting the Durkheimers' check in the total amount of \$50.00. I believe this is sufficient to cover the \$25.00 filing fee for each Notice of Claim.

Please feel free to contact me if the Notices of Claim submitted herewith do not meet with your understanding and approval. Thank you for your cooperation in this matter.

Very truly yours,

LAWSON & PEEBLES


Brian L. Ballard

BLB/cr/durk.sha
cc: Elaine Durkheimer
Encl.

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MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 19, 1989

Mr. and Mrs. Alan Durkheimer
P. O. Box 2321
Ketchum, ID 83340

RE: Snake River Basin Adjudication

Dear Mr. and Mrs. Durkheimer:

Your adjudication claim for diversion from a groundwater source for your property in Blaine County and your check #592 in the amount of \$50.00 are returned. You are given the opportunity to withdraw this claim. Any water right developed from a groundwater source after 1963, for any use other than single family domestic use, is required to have an application for permit filed. We can find no record of a permit for this property.

I have enclosed an application for permit, with instructions for your use in this matter. If you will return the completed forms to the Department of Water Resources - Southern Region Office, 2148 Fourth Avenue East, Twin Falls, ID 83301, we will be happy to proceed.

If you have any further questions or require further help, please do not hesitate to contact this office.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Completed Long Form

Check #592, \$50.00

Application for Permit w/Instructions

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MAR 01 1993

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

4385
Date
03/04/91
Code
183000

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

CHECK ONE:

(☒) MISCELLANEOUS EXPENDITURE

(☐) STATE CONTRACT

(☐) PURCHASE ORDER

(☐) MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAY
TO

ELAINE DURKHKEIMER
PO BOX 2321
KETCHUM, ID 83340

Encumbrance Reference No.

PAYMENT: (☐) PARTIAL (☐) FINAL

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8601		REFUNDS PER D. SHAFF RECEIPT #C005399 WR #A37-12825 2/28/91 25.00	25.00	
TOTAL						25.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is requested are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

MAR 01 1993

REFUND REQUEST

Hold Until _____ To Fiscal ~~2-28-91~~ 3-1-91

TO: Debbie Allen

THRU: Don Shaff

Approved Initials/Date
JS 2-27-91

FROM: John Carlson

Approved _____

RE: Payor Elaine DurkheimerAddress PO Box 2321Ketchum ID83340

Claimant if NOT Payor _____

Receipt # 0005399 Attached ☒Logged 02-28-91 ☒Amount \$ 25-Claim Location S.O.W/R #(s) A 37-12829Extension Filed? Y/N ☒ NACopy Attached? Y/N ☒ NARefund Generated By Don ShaffLate Fees Paid? Y/N ☒ NANot Refunded as of 2-27-91On Receipt # -Reason for Refund OverpaymentDate of Last Correspondence 2-27-91Data Base Modified? Y/N ☒ NA By JS Date 2-27-91REMARKS: Claim 2 homes paid \$25 ea.Correct Fee = \$25Refund Due = \$25.

09/20/90

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MAR 01 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 1, 1991

Mr. & Mrs. Alan Durkheimer
P.O. Box 2321
Ketchum, ID 83340

RE: Snake River Basin Adjudication (SRBA)
Blaine County - #A37-12829
Receipt #C005399 - \$25.00

Dear Mr. & Mrs. Durkheimer:

The water right claim you initially filed in 1988 has been permitted by the amendment of Section 42-111, Idaho Code, that redefined domestic purposes. As a result of my 1989 letter to you, Mr. Ballard assisted you in completing a second claim for one unit and altering the initial claim to cover the other unit of the duplex. The second claim may have been excluded from the enclosures in Mr. Ballard's letter, but nonetheless has not surfaced in the intervening two years.

As you can see on the enclosed claim copy for your files, I have recorded your claim for investigation back to the initial filing. The amended statute authorizes the use of water for domestic purposes in multiple units where the total use does not exceed 13,000 gallons per day. Rather than having paper chase back and forth between us, for purposes of your claim the corrections you made in 1989 will be ignored.

A final sweetening of the pot is with regard to the filing fees. For the claim you initially submitted, the correct filing fee is only \$25.00. The refund process has been initiated and you should receive a check from the State Auditor's office within the next three weeks.

If you have any questions, please contact this office.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

Enclosure:

Copy of #A37-12829

Receipt #C005399

cc: B. Ballard

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MAR 01 1993

SOUTHERN REGION CLAIMS IN STAX AS OF 2/25/91

(This List FAXed to Region with copy to Anna Baumhoff 2/25/91)

BLAINE CO....
BLAINE COUNTY: BALDWIN, CLYDE, A37-00433A
DURKHEIMER, ALAN, A37-12829
Woodbury, Lyle D.
All signed/notarized, d-e not completed.
A37-00198A, A37-00197D, A37-11910, A37-01135, A37-01026A
The Nature Conservancy
All signed/notarized; no d-e
Two unnumbered claims plus A37-00351B, A37-00352A, A37-
12410 through A37-12413, A37- 02580, A37-02609, A37-02609C
Fassett, Helen M.
All signed/notarized, d-e not completed. Problems per note
from Carter Fritschle attached.
A37-08278, A37-0425D, A37-04151, A37-12363, A37-12366 and
A37-12367
Sorenson, Milton J. - A37-12439
Gibson, Jean/Lindstrom, Mary/Babin, Doris/Mathews, Donna
A37-10023 data entered w/o rec't #; some consumptive use
probs.
Bitton, Jeff/Debra
One claim only; checklist not complete; need add'l \$10.00;
based on decree.

GOODING COUNTY:

Idaho State Bank
A37-00856, A37-02780, A37-02778, A37-07754, A37-11480. A
real mess. Don Shaff has done some work on these four
claims, for Bray Lake Ranch. His notes are all attached,
with the comment, "Quick Review".

TWIN FALLS CO....
STANLEY/ORR, A47-11863

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CLAIMANT'S NAME: ~~RE~~ Durkheimer, Alan and/or Elaine DATE: ~~3/19/91~~ 3/19/91
COUNTY: Blaine
EMPLOYEE: S.W. Keen

- I was given this claim to determine why an application for permit was not filed for this right. The reason an application for permit was ~~was~~ deemed necessary is related in the letter by Don Shaff dated 1/19/89.

My determination is that no application for permit is necessary for the following reasons.

1. Adjudication Memo #23, section II explains that groundwater rights established for domestic purposes are exempt from the mandatory permit statute. They may be established by beneficial use instead.
2. This right meets the definition of "domestic" as it is ~~stated~~ stated in Adjudications Memo #4, definition A. This definition, as it applies to this claim, is further clarified under Memo #4, Part B.

Although the claim is for a duplex, it is under single ownership and it meets all other criteria for meeting the definition of domestic.

S.W. Keen

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MAR 01 1993

SD-37	TOWNSHIP: 04N	RANGE: 17E	SECTION: 13	TRACT:	LOT:
S	L R	STATE	O S	MAX # RECORDS 109	
E	O D	WATER	W T	PRIORITY	TOTAL
L	T V	RIGHT NO.	N G	DATE	SOURCE
		NAME			DIVERSION
		LAST, FIRST			
NWNWSE		A37-10666	DUBOIS, FRED	C J 07/07/1949	GROUNDWATER 0.040
NWNWSE		A37-11021	SHILLINGTON, W	C J 05/15/1977	GROUNDWATER 0.050
			SHILLINGTON, E	C	
			SHILLINGTON, W	C	
			DAVIES, JOHN H	C	
			DAVIES, KARIN	C	
SWNWSE		A37-11297	BUCKLINE, HAZE	C J 10/01/1955	GROUNDWATER 0.040
SWNWSE		A37-12879	COOPER, CAMERO	C J 08/31/1977	GROUNDWATER 0.040
SWNWSE 3		A37-11744	SNYDER, SANDRA	C J 04/29/1977	GROUNDWATER 0.040
SWNWSE 3		A37-11745	SNYDER, SANDRA	C J 04/29/1977	GROUNDWATER 0.040
SWNWSE 3		A37-12840	COOPER, LEA CA	C J 09/01/1977	GROUNDWATER 0.040
SENWSE		A37-12829	DURKHEIMER, AL	C J 09/01/1977	GROUNDWATER 0.030
			DURKHEIMER, EL	C	
SENWSE 3		A37-11410	CORKERY, JANIC	C J 06/10/1970	GROUNDWATER 0.040
SWSE		A37-10707	SHOTWELL, RICH	C J 07/06/1962	GROUNDWATER 0.040
			SHOTWELL, JOAN	C	

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 12/28/90
Time: 10:02:29

Rec/No - C005399 AR/No -
From: - DURKHEIMER, ELAINE M.

Receipt Type - CK Doc/No - 592
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 02/03/1989

Type Of Payment	Program	Acct	Class	Fee
ADJUDICATION FEE	410162	9337	6490	50.00

Total Due - 50.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A3712829	25.00		25.00		

SD-183
INQUIRY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION AUDIT INFORMATION SCREEN

DATE: 12/28/90
TIME: 10:06:33

WATER RIGHT NUMBER: A37-12829

FIRST PAGE

DATE-STAMP: 890203
891003

USER-ID: SHAFF
REFUNDML

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(ENTER=EXIT)

(GOLD4=PREV SCREEN) (GOLD6=END OF DATA)
(GOLD5=NEXT SCREEN)

SD-60
MODIFY CLAIM

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION SCREEN 4

DATE: 12/28/90
TIME: 10:05:42

WATER RIGHT NUMBER: A37-12829

STAGE/STATUS:	J/
COURT REPORT FILING DATE:	7/
OBJECTION FILED DATE:	/
RESPONSE FILED DATE:	/
CLAIM RECEIVED DATE:	2/3/1989
FIELD INSPECTION DATE:	/
WATER DISTRICT NUMBER:	
STATE/FEDERAL INDICATOR:	S
CIVIL CASE NUMBER:	39576
OLD JUDICIAL DISTRICT:	
OLD CASE NUMBER:	
POU OWNERSHIP FLAG:	Y
FIELD INSPECTION FLAG:	
RECEIPT NUMBER:	C005399
TOTAL ACRES:	

(GOLD2=UPDATE)

(ENTER=EXIT)
(GOLD8=CANCEL)

3/14 - \$25⁰⁰ Refunded

12/28/90

CLAIMANT FILED 2/3/89.
YET, NO WR PERMIT ON
RECORD AS PER LETTER OF
1/19/89

MICROFILMED

MAR 01 1993